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C O N F I D E N T I A L SECTION 01 OF 02 ALGIERS 001175

SIPDIS

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TAGS: [MARR](#) [PREL](#) [PGOV](#) [AG](#) [SOFA](#)

SUBJECT: FM BEDJAOUI PROVIDES ORAL SOFA ASSURANCES,  
WELCOMES U.S. EXPERTS TEAM TO DISCUSS SOFA

REF: ERDMAN-MCNICHOLAS E-MAIL OF 6/7/05

Classified By: Ambassador Richard W. Erdman; reasons 1.4 (B)(D)

SUMMARY AND RECOMMENDATION

1. (C) FM Bedjaoui told Ambassador June 8 that Algeria could not accept our proposed exchange of notes for a Flintlock exercise SOFA because of domestic legal constraints. However, he repeatedly reaffirmed the importance Algeria attached to these exercises; said Algeria was considering possible amendments to their domestic legislation that would allow such SOFA commitments; and indicated that in the meantime Algeria was willing to provide oral assurances that Vienna-like protections for administrative and technical personnel would in practice be granted to personnel participating in Flintlock (and by implication future exercises). Bedjaoui also expressed interest in seeing examples of other SOFA agreements in force and responded very positively to our suggestion that we send an experts team to Algeria to discuss various examples and address Algerian legal concerns about a SOFA agreement. We recommend sending a SOFA team in the July time frame. (End Summary)

AMB: WE NEED TO WORK TOGETHER AGAINST A COMMON THREAT

2. (C) During June 8 meeting on other issues with FM Bedjaoui, Ambassador raised the Ministry's negative response to our request for an exercise SOFA in conjunction with Flintlock 2005 and asked for clarification as to the nature of the problem. It was important to understand what the problem was, Ambassador noted, so we could determine if there were ways around it. The recent bold GSPC attack against a military base in Mauritania was a reminder of the importance of such exercises and the need to work together to strengthen the capability of regional militaries to protect their territory and prevent their countries from becoming safe-havens for terrorist networks.

AMB: DIFFICULT TO PROCEED WITH  
LARGER EXERCISES WITHOUT SOFA

3. (C) The attack, Ambassador continued, also graphically illustrated that the strategic threat to Algeria did not emanate from the north, the east, or the west, but from the south. It was in Algeria's interest to work with us to resolve the SOFA issue. While General Jones had been able to grant a waiver because of the very small number of U.S. Special Forces involved in Flintlock 2005, it would be very difficult to proceed with larger exercises without SOFA protections. In this regard, planning was to start shortly (June 12-15) on military exercises to take place this coming August.

BEDJAOUI: DOMESTIC LEGAL DIFFICULTIES WITH SOFA

4. (C) Bedjaoui welcomed growing military cooperation between Algeria and the United States and said that President Bouteflika had been very pleased by the visit of General Jones (SACEUR). He repeatedly assured Ambassador that Algeria welcomed military exercises such as Flintlock 2005, recognized their important contribution to countering terrorist threats in the region, and wanted to see them continue. That said, explained Bedjaoui, a longtime judge and former president of the International Court of Justice at The Hague, Algeria had to scrupulously observe national legislation.

ALGERIA WILLING TO PROVIDE ORAL ASSURANCES

5. (C) In this regard, but without being specific, Bedjaoui said that our proposed text for an exchange of notes went beyond what Algerian law would permit. This would necessitate amending Algerian law. They were now examining how to do this, and "it would take some time" to get amended legislation in place. Ambassador hoped the necessary changes in domestic legislation could be carried out as quickly as possible. Explaining that all we were essentially asking was for our participating troops to be provided Vienna-like protections accorded to administrative and technical

personnel, Ambassador asked if we could at least have oral assurances that such protections would in practice be granted for those involved in the exercise. Bedjaoui unhesitatingly replied, "yes."

BEDJAOUI WELCOMES SOFA EXPERTS TEAM VISIT

16. (C) Ambassador asked if Algerian law went beyond the Vienna Convention, since we had 150 SOFA agreements with countries around the world and none of these appeared to have problems of compatibility with the Convention. Bedjaoui said it would be useful to see some of these texts. In this regard, he recalled Ambassador's comment in a previous meeting that we even had a SOFA with Russia, quickly clarifying that they don't usually look to Russia as a model these days! Ambassador said he would check to see what could be provided but suggested a better idea might be to follow through on a suggestion that Acting Assistant Secretary Likens had made to MOD SYG Senhadji during his May visit to Washington. Namely, that we send an experts group to discuss SOFA issues directly with Algerian MOD and MFA officials. The experts would have detailed information on our various SOFA agreements and hopefully would be able to address Algerian legal concerns about what a SOFA entailed. Bedjaoui responded positively, saying this was "an excellent idea" and they would be happy to have such a group come.

ERDMAN